

REMARKS

Applicants have reviewed the Office Action dated as mailed March 30, 2009 and the documents cited therewith. The present application contains pending claims 1, 4-7, 10-14, 16, and 18-39.

I. Claim Rejections under 35 U.S.C. §102

The Examiner has rejected claims 1, 4-7, 10-14, 16, and 18-39 under 37 C.F.R. §102(b) as being unpatentable over U.S. Patent Application Publication No. 2002/0147670 A1 to Lange (hereinafter "Lange"). M.P.E.P. § 2131 provides that to anticipate a claim, the reference must teach every element of the claim. Applicant respectfully submits that Lange does not teach every element of the claims.

For example, claim 1 recites:

1. A method to manage a credit portfolio and to trigger credit actions, comprising:
 - reviewing a status of at least one creditor at predetermined time intervals, wherein each of the at least one creditor having an outstanding loan from an entity;
 - identifying at least one status indicator for a creditor;
 - selecting the creditor to review;
 - generating a series of inquiries with reference to the creditor, wherein the series of inquiries comprises a series of questions designed to elicit information related to at least one of the creditor and a status indicator;
 - presenting the inquiries to a user associated with the entity;
 - determining a quantity of triggers flagged for the selected creditor based on the responses to the inquiries with reference to the creditor;
 - determining if a key risk review is necessary for the creditor in response to the quantity of flagged triggers being greater than a predetermined number, wherein the key risk review is determined to be necessary if the selected creditor corresponds to a predetermined loss to the entity in the event the creditor becomes bankrupt; and
 - conducting a key risk review in response determining that a key risk review is necessary, wherein the key risk review comprises reviewing actions to reduce exposure or loss.

In rejecting the first recitation of claim 1, the Examiner cited paragraph [0257] of Lange, which recites:

Preferred embodiments of the method of the present invention include the ability to improve the market's efficiency on an ongoing basis. This may readily be accomplished, for example, by comparing the predicted returns on a group of DBAR contingent claims returns with actual realized outcomes. If investors have rational expectations, then DBAR contingent claim returns will, on average, reflect trader expectations, and these expectations will themselves be realized on average. In preferred embodiments, efficiency measurements are made on defined states and investments over the entire distribution of possible outcomes, which can then be used for statistical time series analysis with realized outcomes. The network implementation of the present invention may therefore include analytic servers to perform these analyses for the purpose of continually improving the efficiency of the market.

Accordingly, Lange is merely stating that the market's efficiency may be improved on an ongoing basis by making efficiency measurements on defined states and investments in the market over the entire distribution of possible outcomes, which can then be used for statistical analysis. Lange, however, does not mention any creditors, much less reviewing the status of any creditors. Thus, Lange does not teach "reviewing a status of at least one creditor at predetermined time intervals." The mere mentioning of a "trader" does not indicate that this trader is a creditor and the discussion of the market's efficiency and investments in the market are clearly not the same as "a status of at least one creditor." Even if somehow a "trader" is considered a creditor, there is no disclosure in Lange of reviewing of any status of the "trader."

Lange also does not teach or suggest "identifying at least one status indicator for a creditor," "selecting the creditor to review," or "determining a quantity of triggers flagged for the selected creditor based on the responses to the inquiries with reference to the creditor," as recited in claim 1. In rejecting these elements, the Examiner cited Fig. 4 of Lange. However, Fig. 4 of Lange merely depicts data storage devices of a DBAR contingent claims exchange, including the databases and information contained therein. (See Fig. 4 and paragraph [0124] of Lange). There is no teaching or suggestion of selecting a creditor to review. In fact, Fig. 4 of Lange does not disclose "selecting" of anything. Additionally, there is no "identifying" any status indicator of a creditor in Fig. 4. There is no "identifying" of anything – only a storage of data in databases. Last, there is no disclosure of "determining a quantity of triggers" or any discussion of any "triggers"

whatsoever, much less any triggers flagged for a selected creditor based on responses to any inquiries.

Lange does not teach or suggest “generating a series of inquiries with reference to the creditor, wherein the series of inquiries comprises a series of questions designed to elicit information related to at least one of the creditor and a status indicator,” as recited in claim 1. In rejecting this element the Examiner cited paragraph [1024] of Lange, which recites:

A practical example of a demand-based market or auction conducted using the network implementation follows. The example assumes that an investment bank receives inquiries for derivatives whose payouts are based upon a corporation's quarterly earnings release.

Accordingly, Lange only discloses an investment bank receiving inquiries for derivatives whose payouts are based upon a company's quarterly earnings release. There is absolutely no disclosure in Lange of a series of inquiries being *generated*. The inquiries mentioned in Lange are merely being received by a bank. Further, these inquiries have nothing to do with “reference to a creditor.” There is no disclosure of a series of questions designed to elicit information related to either of the creditor or a status indicator. The inquiries in Lange are only for derivatives, which has nothing to do with a creditor or a status indicator. Thus, the teachings of Lange in no way disclose “generating a series of inquiries with reference to the creditor, wherein the series of inquiries comprises a series of questions designed to elicit information related to at least one of the creditor and a status indicator.”

In addition, the Examiner cited paragraph [0257] of Lange in rejecting the following recitations of claim 1:

...wherein the key risk review is determined to be necessary if the selected creditor corresponds to a predetermined loss to the entity in the event the creditor becomes bankrupt; and

conducting a key risk review in response determining that a key risk review is necessary, wherein the key risk review comprises reviewing actions to reduce exposure or loss.

None of these claim recitations are disclosed in the cited portion of Lange. As previously presented, paragraph [0257] of Lange recites:

...In preferred embodiments, efficiency measurements are made on defined states and investments over the entire distribution of possible

outcomes, which can then be used for statistical time series analysis with realized outcomes. The network implementation of the present invention may therefore include analytic servers to perform these analyses for the purpose of continually improving the efficiency of the market.

Accordingly, Lange is merely stating that the market's efficiency may be improved on an ongoing basis by making efficiency measurements on defined states and investments in the market over the entire distribution of possible outcomes, which can then be used for statistical analysis. There is absolutely no disclosure in Lange of a "predetermined loss to the entity in the event that the creditor becomes bankrupt." In fact, there is no discussion at all of bankruptcy in Lange. This term is not even mentioned anywhere in Lange. Further, there is no disclosure in Lange of a "key risk review," "determining that a key risk review is necessary" or "conducting a key risk review." Claim 1 states that a key risk review comprises reviewing actions to reduce exposure or loss. The efficiency measurements, as stated in Lange, do not relate to reducing exposure or loss, but instead are made to continually improve the efficiency of the market. There is no disclosure in Lange of determining if a key risk review is necessary or in the event that it is determined to be necessary actually conducting a key risk review.

For at least the above reasons, Applicants respectfully submit that the Examiner has simply not met his burden of presenting a *prima facie* case of anticipation of claim 1. Reconsideration and withdrawal of the section 102 rejection of claim 1 is respectfully requested.

Each of the dependent claims recites recitations not taught or suggested in Lange. For example, claim 4 recites "taking no action in response to not identifying any status indicators for the creditor." The Examiner rejected this claim element based on paragraph [0257] of Lange, which has previously been discussed. However, nowhere in this portion of Lange is there any discussion of "not taking any action" in response to some triggering event.

For claim 5, claim 5 recites "determining the quantity of triggers flagged for the selected creditor is performed in response to identifying at least one status indicator for the selected creditor." In rejecting this claim element, the Examiner again cited Figure 4 of Lange. As previously mentioned, Figure 4 of Lange only illustrates databases and information contained in such databases. However, nowhere in Figure 4 of Lange does Lange "determine" anything much

less determine a quantity of triggers flagged for the selected creditor or performing such determination in response to identifying at least one status indicator.

For claims 7 and 10, the Examiner cited paragraph [0730] of Lange, which recites "alternatively, the risk of such possible losses due to credit risk may be insured, with the cost of such insurance either borne by the exchange or passed on to the traders." Applicants are at a complete loss as to how this portion of Lange teaches or suggests "responding to a series of inquiries with reference to selected creditor," as recited in claim 7, or "performing a decided action in response to the key risk review," as recited in claim 10. Indeed, there is no disclosure of "responding;" there is no disclosure of "a series of inquiries;" there is no "reference to the selected creditor"; and there is no disclosure of a "decided action in response to the key risk review." Further, the Examiner cited paragraph [0257] of Lange for teaching "monitoring a status of the creditor," as recited in claim 10. Again, there is no disclosure of a "status of the creditor" in this portion of Lange, as previously discussed.

Thus, it is submitted that claims 4-7 and 10-11 recite additional elements not disclosed by Lange. Additionally, these claims depend from claim 1, which also distinguishes over Lange. For these reasons, it is submitted that claims 4-7 and 10-11 distinguish over Lange and are allowable. Reconsideration and withdrawal of the rejection of these claims is respectfully requested.

Claims 12, 20, 28, and 34 are independent claims and recite elements similar to claim 1 and are allowable for the same reasons that claim 1 is allowable. Claims 13-14, 16, 18-19, 21-27, 29-33, are 35-39 are dependent from either claims 12, 20, 28 or 34 and are thus allowable for the same reason that each base independent claim is allowable. Reconsideration and withdrawal of the rejection of claims 12-14, 16, and 18-39 is respectfully requested.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully requested.

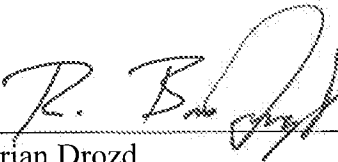
If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4365.

Respectfully submitted,

Date: _____

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